

## SECTION 11.60 GUIDELINES FOR GRIEVANCE MEETINGS AND DECISIONS

Last Update: 6/11

### **Gather the Facts** (see [Section 11.65](#) Grievance Decision Worksheet)

- When a grievance is received, review the issue stated on the grievance form and verify that the grievance was filed timely. If the grievance is untimely, contact your personnel officer for advice on how to proceed.
- Check the applicable collective bargaining agreement or the DAS Administrative Rules.
- Consult with supervisors and the personnel officer in order to gather facts and records.
- Gather information from others who may have knowledge of the issue.
- Review related grievance settlements and decisions for guidance.

### **Conduct the Grievance Meeting**

- Schedule a meeting with the appropriate union steward through the steward's supervisor. If the grievant is not covered by a collective bargaining agreement, schedule the meeting through the employee's supervisor.
- Contract-covered employees are entitled to union representation at grievance meetings. Non-contract-covered employees may be represented by a peer who is not covered by a collective bargaining agreement.
- If the union steward refuses to attend the meeting or otherwise declines to represent the employee for any reason, the employee's supervisor must call the union's central office to arrange for another steward to attend the meeting. The union's central office must be informed of the time, date, purpose of the meeting, the name of the employee involved, and any other pertinent information. The meeting should be held as scheduled with the union representative or steward supplied by the union's central office.
- If no steward or union representative arrives to attend the scheduled meeting, the meeting should be conducted as planned and efforts to obtain representation documented. A record should be kept documenting the following information:
  - 1) Circumstances leading up to the meeting.
  - 2) Date and time of initial contact to steward.
  - 3) Name of steward who refused to attend.
  - 4) Reason for refusal, if any, as stated by the steward.
  - 5) Work location of employee.
  - 6) Work location of steward.
  - 7) Name of person contacted at the union's central office.
  - 8) Date of meeting as originally scheduled.
  - 9) Date meeting was actually held.
- Discuss the issues, the alleged violation(s) of the collective bargaining agreement, and requested remedies. Ask the union and grievant to describe how the collective bargaining agreement or rule was violated.
- Listen—don't interrupt.
- Keep the meeting on a professional basis. Accusations or outbursts by either side are inappropriate.

- Take notes and obtain copies of any documents presented by the employee or the union.
- When the employee or steward has finished, ask questions to clarify information presented.
- Ask the person to repeat the story if unclear about details and make sure the facts are consistent.
- Allow the employee and the union representative to respond to all allegations and issues.
- Ask what remedy the employee is seeking to the grievance and what alternatives are acceptable.
- If the grievance is appealed, agency management will be responsible for explaining management's position at the step meeting conducted by a DAS-HRE labor relations specialist or at a GRIP meeting, if applicable. Full disclosure of facts and documents must be made at this step. Agency management should review the documentation and presentation with the personnel officer prior to presenting it at the meeting conducted by the DAS-HRE labor relations specialist or GRIP meeting.
- If the grievance is appealed to arbitration (or if a non-contract grievance is appealed to the Public Employment Relations Board), it is agency management's responsibility to assist the DAS-HRE labor relations specialist and personnel officer in preparing the case for hearing. Appropriate agency representatives will be called to testify on behalf of the employer.

### **Make the Grievance Decision**

- Resolution may include sustaining the grievance and awarding the remedy sought, denying the grievance, or making a settlement agreeable to both parties.
- If the grievance can be settled, do so at the earliest step in the process as possible.
- If sustaining or denying the grievance, explain how the decision was made.
- Make necessary adjustments required by the decision, if applicable.
- Pass the facts and documentation to the next management step or level, if the decision is appealed.

### **Follow Up**

- Make sure the grievance decision is implemented. If the grievance identified a valid problem with a management policy or practice, correct the problem to avoid future grievances.
- Inform and assist the personnel assistant in preparing corrections to the employee's pay, benefits, or records, if applicable.